

**ASSEMBLY BILL**

**No. 532**

**Introduced by Assembly Member Mullin**

February 18, 2003

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An act to amend Section 51520 of the Education Code, relating to schools.

LEGISLATIVE COUNSEL'S DIGEST

AB 532, as introduced, Mullin. Schools: audiologists: solicitation.

Existing law prohibits a licensed dentist or optometrist who provides voluntary dental health screening or vision testing programs for pupils on school premises from soliciting a pupil, or a pupil's parent or guardian, or encouraging, or advising treatment or consultation for the pupil by the licensed dentist or optometrist, or any affiliate, for any condition discovered in the course of the dental screening or vision testing.

This bill would similarly prohibit a licensed audiologist who provides voluntary auditory testing programs for pupils on school premises from soliciting a pupil, or a pupil's parent or guardian, or encouraging, or advising treatment or consultation for the pupil by the licensed audiologist, or any affiliate, for any condition discovered in the course of the auditory testing.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 51520 of the Education Code is  
2 amended to read:

1     51520. (a) During school hours, and within one hour before  
2 the time of opening and within one hour after the time of closing  
3 of school, pupils of the public school ~~shall~~ *may* not be solicited on  
4 school premises by teachers or others to subscribe or contribute to  
5 the funds of, to become members of, or to work for, any  
6 organization not directly under the control of the school  
7 authorities, unless the organization is a nonpartisan, charitable  
8 organization organized for charitable purposes by an act of  
9 Congress or under the laws of the state, the purpose of the  
10 solicitation is nonpartisan and charitable, and the solicitation has  
11 been approved by the county board of education or by the  
12 governing board of the school district in which the school is  
13 located.

14     (b) A licensed dentist who provides voluntary dental health  
15 screening programs for pupils on school premises; ~~shall~~ *may* not  
16 solicit a pupil, or the pupil's parent or guardian, or encourage, or  
17 advise treatment or consultation for the pupil by the licensed  
18 dentist, or any entity in which the licensed dentist has a financial  
19 interest, for any condition discovered in the course of the dental  
20 health screening. It is the intent of the Legislature that no licensed  
21 dentist use voluntary dental health screening programs for the  
22 generation of referrals or for financial benefit. The Legislature  
23 does not intend to deny or limit freedom of choice in the selection  
24 of an appropriate dental provider for treatment or consultation.

25     (c) A licensed optometrist who provides voluntary vision  
26 testing programs for pupils on school premises; ~~shall~~ *may* not  
27 solicit a pupil, or the pupil's parent or guardian, or encourage, or  
28 advise treatment or consultation for the pupil by the licensed  
29 optometrist, or any entity in which the licensed optometrist has a  
30 financial interest, for any condition discovered in the course of the  
31 vision testing. It is the intent of the Legislature that no licensed  
32 optometrist use voluntary vision testing programs for the  
33 generation of referrals or for financial benefit. The Legislature  
34 does not intend to deny freedom of choice in the selection of an  
35 appropriate vision care provider for treatment or consultation.

36     (d) *A licensed audiologist who provides voluntary auditory*  
37 *testing programs for pupils on school premises may not solicit a*  
38 *pupil, or the pupil's parent or guardian, or encourage, or advise*  
39 *treatment or consultation for the pupil by the licensed audiologist,*  
40 *or any entity in which the licensed audiologist has a financial*



1 *interest, for any condition discovered in the course of the auditory*  
2 *testing. It is the intent of the Legislature that no licensed*  
3 *audiologist use voluntary auditory testing programs for the*  
4 *generation of referrals or for financial benefit. The Legislature*  
5 *does not intend to deny freedom of choice in the selection of an*  
6 *appropriate auditory care provider for treatment or consultation.*

7 ~~(e) Nothing in this~~ This section ~~shall be construed as~~  
8 ~~prohibiting~~ *does not prohibit* the solicitation of pupils of the public  
9 school on school premises by pupils of that school for any  
10 otherwise lawful purpose.  
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